

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

MEHMET SENTOSUN

CASE NO.: 1:25-cv-00471

Plaintiff,

**COMPLAINT FOR WRIT OF
MANDAMUS UNDER 28 U.S.C. § 1361.**

v.

PAM BONDI, Attorney General of the United
States, KRISTI NOEM, Secretary of the
Department of Homeland Security (DHS),
ACTING DIRECTOR, Director of U.S.
Citizenship and Immigration Services (USCIS),
ANTONIO DONIS, Director, Director of
Arlington Asylum Office

Defendants.

COMPLAINT

COME NOW Plaintiff in the above-captioned case, by and through undersigned counsel, and file this civil action to compel agency action unreasonably delayed and state the following in support of this Complaint:

JURISDICTION AND VENUE

1. This action arises under the United States Constitution and the Immigration and Nationality Act of 1952, 8 U.S.C. § 1101 et seq. (“INA”), as amended by the Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1214, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 1570.

2. This Court has jurisdiction over this petition for a Writ of Mandamus under 28 U.S.C. § 1331, 28 U.S.C. § 2201, the Administrative Procedures Act (APA), 5 U.S.C. §§ 555(b), 701 et. Seq., 701(a)(2), 706(1), and the Mandamus Act, 28 U.S.C. § 1361.
3. Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. §§ 1391(b)(2) and (e). The Plaintiff seeks adjudication of their Form I-589, Application for Asylum and Withholding of Removal, pursuant to 8 U.S.C. § 1158(a)(1). Plaintiff resides at **6106A Hoskins Hollow Circle, Centreville, VA 20121**. Plaintiff's application is being adjudicated by the USCIS Arlington Asylum Office in Arlington, Virginia.

PARTIES

4. Plaintiff, MEHMET SENTOSUN, is a native and citizen of Turkey.
5. Defendant, PAM BONDI, is the Attorney General of the United States, whose office address is US Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530.
6. Defendant, Kristi Noem, is the Secretary of the Department of Homeland Security (DHS), whose office address is 245 Murray Lane, Building 410, SW, Washington, DC 20528.
7. Defendant, ACTING DIRECTOR, is the Acting Director of U.S. Citizenship and Immigration Services (USCIS), whose office address is USCIS, 20 Massachusetts Ave, NW, Washington, DC 20529.
8. Defendant, Antonio Donis, Director, is the Acting Director for USCIS Arlington Asylum Office in Arlington, Virginia, whose office address is 525 Wilson Blvd Ste 300, Arlington, VA 20598-2500.

9. Each Defendant is sued in his or her official capacity. Defendants, PAM BONDI, Kristi Noem, ACTING DIRECTOR, and Antonio Donis, Director are responsible for the adjudication of Plaintiff's application for asylum pursuant to 8 U.S. Code § 1158.

THE ASYLUM PROCESS

10. The U.S. Congress has unambiguously expressed its intent that applications for asylum be adjudicated within six (6) months of filing. See INA § 208(d)(5)(A)(iii), 8 USC § 1158(d)(5)(A)(iii). (in the absence of exceptional circumstances, final administrative adjudication of the asylum application, not including administrative appeal, shall be completed within 180 days after the date an application is filed).
11. Once an application for asylum is filed, the USCIS, together with the FBI, commence immigration security checks. These checks are designed to allow the USCIS to quickly determine if there are criminal or security related issues in the applicant's background that affect the applicant's eligibility for immigration benefits.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. No exhaustion of remedy requirement applies to the Plaintiff's complaint. Nonetheless, Plaintiff, individually and through counsel, has repeatedly inquired as to the status of their application for asylum.
13. On January 21, 2021, Plaintiff filed their Form I-589, Application for Asylum and Withholding of Removal with Defendants. *See, Exhibit 1.* On March 1, 2021, Plaintiff appeared as required for a biometric appointment to have their fingerprints captured in conjunction with their Form I-589 Application. *See, Exhibit 2.*

14. As of the date of this filing, USCIS has not acted on this Application or rendered a final administrative decision.

FACTUAL ALLEGATIONS

15. Plaintiff's I-589 application was received on January 12, 2021 by USCIS. He seeks asylum from their native Turkey. *See, Exhibit 1.*
16. In more than **four years**, Plaintiff has not been scheduled for an asylum interview or been otherwise able to obtain any progress in adjudication of their asylum claim. Plaintiff's inquiries have not resulted in the processing of their application.
17. According to 8 U.S.C. § 1571(b), it is the sense of Congress that the processing of an immigration benefit application should be completed not later than 180 days after the initial filing of the application, except that a petition for a nonimmigrant visa under section 1184(c) of this title should be processed not later than 30 days after the filing of the petition. Clearly, Congress did not contemplate an adjudication time of **four years** or more.
18. Plaintiff's application is unreasonably delayed. Plaintiff is not asking this Court to order USCIS to approve their pending application for Asylum and Withholding of Removal; instead, Plaintiff merely seeks this Court to order USCIS to adjudicate their pending Form I-589 Application.

CLAIMS FOR RELIEF

19. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 18 above.
20. Defendants owe to Plaintiff the duty to act on their application.
21. Defendants have failed to exercise this duty.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that the Court:

1. Assume jurisdiction over the matter;
2. Issue a Writ of Mandamus compelling Defendants to act on Plaintiff's application for Asylum, or find that the adjudication of Plaintiff's application for Asylum has been inordinately delayed;
3. Award Plaintiff reasonable costs and attorney's fees; and
4. Award such further relief as the Court deems just and proper.

Dated: March 16, 2025

Respectfully submitted,

/s/ S. Alexander Miller

S. Alexander Miller

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